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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,840	01/05/2006	Marinus Cornelis Neelen	NL 030600	5643
24737 7590 11/24/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
WALFORD, NATALIE K				
ART UNIT		PAPER NUMBER		
2879				
MAIL DATE		DELIVERY MODE		
11/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,840

Applicant(s)

NEELEN ET AL.

Examiner

NATALIE K. WALFORD

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traksel et al. (US 6,048,241) in view of Brundige (US 3,551,725).

Regarding claim 1, Traksel discloses a low-pressure mercury vapor discharge lamp in figure 1 comprising: a radiation-transmitting discharge vessel (item 10) enclosing, in a gastight manner, a discharge space (item 13) provided with a filling of mercury and a rare gas, the discharge vessel comprising discharge means for maintaining a discharge in the discharge space, a container (item 10) comprising mercury or an amalgam (column 2, lines 19-21) being arranged in the discharge vessel, the container having an opening (see FIG. 1), the container having a glass wall (column 4, lines 44-46), but does not expressly disclose that the glass wall having a transmission of less than 0.4 in a wavelength range from 0.8 to 1.5 microns, as claimed by Applicant. Traksel does disclose though that the glass wall has a transmission of about 0.5 (column 5, lines 6-15). Brundige is cited to show a discharge lamp in figure 1 with a glass wall

(item 12) that has a transmission of about 0.2 in a wavelength range from 1 to 2 microns (column 2, lines 72-75). Brundige teaches that this particular glass is well known in the art, are commercially available, and have good viscosity and expansion characteristics (column 2, lines 65-71).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Traksel's invention to include the glass wall having a transmission of less than 0.4 in a wavelength range from 0.8 to 1.5 microns, as suggested by Brundige for having a glass that is well known, commercially available, good viscosity, and good expansion characteristics.

Regarding claim 2, the combined reference of Traksel and Brundige disclose a low-pressure mercury vapor discharge lamp as claimed in claim 1, characterized in that the transmission of the glass wall is less than 0.25 in a wavelength range from 1.0 to 1.2 (Brundige; column 2, lines 72-75).

Regarding claim 3, the combined reference of Traksel and Brundige disclose a low-pressure mercury vapor discharge lamp as claimed in claim 1, characterized in that the glass wall is manufactured from a glass containing ferric oxide (Brundige; column 2, lines 64-65).

Regarding claim 7, the combined reference of Traksel and Brundige disclose a low-pressure mercury vapor discharge lamp as claimed in claim 1, characterized in that the opening in the container is provided in a portion of the container (Traksel; see FIG. 1), which portion is substantially flat (Traksel; see FIG. 1).

8. A low-pressure mercury vapor discharge lamp as claimed in claim 1, characterized in that the

container is provided in an exhaust tube (Brundige; item 26) in an end portion of the discharge vessel.

Regarding claim 9, the combined reference of Traksel and Brundige disclose a container (4) containing mercury or an amalgam (4) for use in a low-pressure mercury vapor discharge lamp according to claim 1 (Traksel; see FIG. 1).

Allowable Subject Matter

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 4, specifically for the limitation of that the glass wall comprises at least 2% by weight Fe₂O₃ in combination with other claimed features of the present claimed invention.

Regarding claim 5, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 5, specifically for the limitation of the glass wall comprises: 60-75% by weight SiO₂, 0.1-3% by weight B₂O₃, 0.1-7% by weight Al₂O₃, 0.1-2.5% by weight LiO₂, 5-12% by weight Na₂O, 2-9% by weight K₂O, 0.1-3% by weight MgO, 0.1-5% by weight CaO, 5-15% by weight BaO, and 2-7% by weight Fe₂O₃ in combination with other claimed features of the present claimed invention.

Regarding claim 6, claim 6 is allowable for the reasons given in claim 5 because of their dependency status from claim 5.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lefevre et al. (US PUB 2008/0024066) is cited to show a mixture of glass.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie K. Walford whose telephone number is (571)-272-6012. The examiner can normally be reached on Monday-Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nkW
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Examiner, Art Unit 2879

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